

Remarks

Claims 10, 14 and 16 are canceled.

Claims 1, 5-7, 9, 12, 13, 15 and 17 are amended.

Claims 1-7, 9, 12, 13, 15 and 17 will be pending upon entry of this amendment.

Amendments

Claim 1 is amended to clearly be a composition claim instead of a product-by-process claim. Support is found for example in original claim 11 and the working Examples.

Claim 1 is also amended to specifically state the thermoplastic polymers. Support is found in the paragraph bridging pages 3 and 4 of the disclosure.

Claim 5 is amended to have proper tense and to have proper Markush language.

Claim 6 is amended to specifically state the thermoplastic polymers.

Claim 7 is amended to be consistent with claim 6.

Claim 9 is amended to incorporate the limitations of claim 10. Claim 9 is also amended to specifically name the thermoplastic polymers.

Claims 12 and 13 are amended to be consistent with claim 6.

Claim 15 is amended to state the parts by weight of each element of component b). Support is found on page 12 of the disclosure. That the parts are by weight is supported by the last paragraph of page 12. Claim 15 is also amended to incorporate the limitations of claim 16.

Claim 17 is simplified.

No new matter is added.

Claim Rejections

Claims 15-17 are rejected under 35 USC 112, first paragraph, for reasons of record.

The Examiner states that the specification is enabling for a mixture of particular amounts of the three phosphorus compounds.

Claim 15 is amended to be consistent with the specification.

Applicants submit that these rejections are addressed and are overcome.

Claims 1-9, 12, 13 and 15-17 are rejected under 35 USC 103(a) as being unpatentable over DE 3903218 in view of Keller, et al., U.S. Pat. No. 5,574,082, JP 62-158737 and Fukui, et al., U.S. Pat. No. 5,100,930.

Claims 1-10 and 12-17 are rejected under 35 USC 103(a) as being unpatentable over DE '218 in view of Keller, JP '737 and Fukui and further in view of Tamura, et al., U.S. Pat. No. 6,096,814.

The rejections are maintained for reasons of record. Additionally, the Examiner has the following concerns.

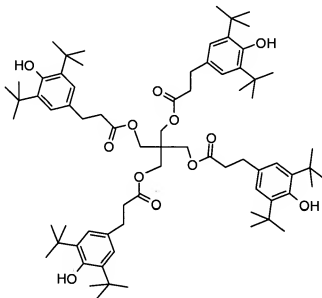
1.) Claim 1 is a product-by-process claim and the addition of stabilizer has no probative value. Claim 1 is now amended to clearly be a composition claim.

2.) The claims do not require repeated extrusion steps as in the second Thürmer Declaration. Applicants submit that melt flow and yellowing after multiple extrusion testing are well known and accepted methods of determining the efficacy of stabilizers. Thus, the compositions and methods of the present claims are supported by the second Thürmer Declaration.

3.) The SANDOSTAB P-EPQ employed in the second Thürmer Declaration is not claimed as the scope of the claim (claim 15) is broader than the showing. Claim 15 is now amended to state the amounts of the three components as stated in the specification.

4.) Example 1 of the DE reference shows the instant mixture of three phosphorus compounds (of present claims 15 and 17), making present claims 15 and 17 obvious. Claims 15 and 17 are now aimed at specific ratios of components supported by the second Thürmer Declaration.

5.) The hindered phenol used in the Declaration is pentaerythryl-tetrakis-3-(3',5'-di-tert-butyl-4'-hydroxyphenyl)propionate while the claims recite tetrakis[methylene-3-(3',5')-di-tert-butyl-4'-hydroxyphenyl]propionate]methane. These two names represent the same antioxidant:



Applicants submit that points 1-5 are addressed.

Further, Applicants reiterate that the results demonstrated in the second Thürmer Declaration are unexpected in light of the cited art. Inventive samples 3 and 4 are clearly and unexpectedly superior to prior art samples 1 and 2. The Declarant, an expert in the field, states so in the Declaration. The inventive samples are clearly superior in regard to both retention of melt flow and degree of yellowing after multiple pass extrusion.

Applicants point out that claim 17 is aimed as close as possible to the showing of the Thürmer Declaration. Support for the weight ratios is from original claims 1 and 2.

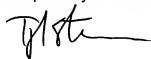
Applicants submit that in light of the present amendments and the above remarks, that the 35 USC 103(a) rejections are addressed and are overcome.

In light of all of the above, Applicants submit that each of the claim rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are now in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,



Tyler A. Stevenson
Agent for Applicants
Reg. No. 46,388

Ciba Specialty Chemicals Corp.
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591-9005
Tel. (914)785-2783
Fax (914)785-7102